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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,921	06/20/2003	John R. Lewis	MVIS 97-07 C1	7591
7590	10/18/2005		EXAMINER	
Clarence T. Tegreene, Esq. Intellectual Property Counsel Microvision, Inc. 19910 North Creek Parkway, PO Box 3008 Bothell, WA 98011			EISEN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2674	
			DATE MAILED: 10/18/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/601,921	LEWIS ET AL.
	Examiner Alexander Eisen	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 44-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 44-55 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6-20-03
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 47, 52 are objected to because of the following informalities: claim 47 recites “capturing light reflected for the remote location”, which apparently should read: -- capturing light reflected [for] from the remote location -- . Claim 52 recites: “a scanner having input coupled to the fiber output”, which apparently should read: -- a scanner having an input coupled to the fiber output end -- .Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
3. Claims 52-55 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 52 recites: “decoding electronics coupled to the first and second optical detectors, the decoding electronics being responsive to the first and second optical detectors to identify information about the region”.

The specification is silent about “decoding electronics” and how it is responsive to the first and second detectors “to identify information about the region”. The specification simply teaches using two detectors to synchronize the two scanners by comparing the frequencies and deriving an error signal for adjusting the frequency of a slave scanner.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Chovan, US 5,570,222.

With respect to claim 44, Chovan discloses a method of capturing an image comprising the steps of emitting light in a first location (dry end 20 in FIG. 1); transmitting the emitted light from the first location to a second location (wet end 30); illuminating a first scene 35 at the second location (col. 7, lines 1-6) by optically scanning the transmitted light in a selected scan pattern; capturing light reflected from the first scene; placing a reflector 212 within the area illuminated by the scanned light from the first scene; acquiring light from the reflector; transmitting the captured light from the first scene and the acquired light from the reflector to a third location (photodetector 56) remote from the second location, and at the third location constructing the image from the transmitted captured light from the first scene responsive to the acquired light from the reflector (col. 5, line 50 – col. 6, line 6; col. 8, lines 40-46).

As pertaining to claim 45, the method further comprises step of generating a synch signals 92 and 95 (FIG. 3; col. 13, lines 23-64).

As per claim 46, the method includes transmitting the acquired and captured light through a common fiber 55.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 47-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chovan.

As per claim 47 Chovan discloses producing an image of a remote location by transmitting light to the remote location via a first optical fiber 55; illuminating the remote location by scanning the illuminating light over the remote location 35 with a scanner (142, 152); capturing light from the remote location; transmitting the captured light to a second location separate from the remote location and constructing the image from the transmitted received light.

Chovan does not disclose explicitly that the captured light is transmitted to the second location with a second optical fiber, but it does disclose that it is transmitted through a second optical path 57, and it would have been obvious to one of ordinary skill in the art at the time when the invention was made that the optical path can be of any known to those artisans type of an optical path, optical fiber including, without performing undue experimentation or bringing about an unexpected result.

As pertaining to claims 48-51, the method includes detecting a scanning portion of the scanner optically, including detecting synchronizing light reflected from the portions 212 and 214 of synch pulse generator 200, which is a portion of the captured light.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (571) 272-7687. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Eisen  
Primary Examiner  
Art Unit 2674

6 October 2005